

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 031029
Application No. 10/647,247

REMARKS

Claims 1, 3, 5-11, 14-19 and 21-25 are pending in the present application. Claims 1 and 21 are herein amended. No new matter has been presented.

Claim Rejections – 35 U.S.C. § 112

Claims 21-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 21 has been amended to change “smothered” to --smoothed--. Claim 21 has also been amended to change “polyoxyalkylene alkylether” to --polyoxyethylene monoalkylether--. Support for the limitation “wherein the structure of the polyoxyethylene monoalkylether surfactant is a linear chain structure” is in the specification at page 28, lines 17-19 which describes “polyoxyethylene monoalkylether surfactant (TN-80, a non-ionic surfactant manufactured by Asahi Denka Co., Ltd.)” and as supported in the DEKA catalog attached to the Amendment of September 10, 2009 (with a summary of the DEKA catalog at page 10 of the Amendment).

Withdrawal of the § 112 rejection is requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 5, 6, 8-11, 14, 15, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** (EP 1152036) in view of **Wesp** (US 3,765,972); claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** in view of **Wesp**, and further in view of **Suzuki** (US 6,043,145); and claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as

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being unpatentable over **Kanda** in view of **Wesp**, and further in view of **Takahashi** (US 6,537,719) and **Tanaka** (US 6,555,617).

Favorable reconsideration is requested.

Applicants respectfully submit that Kanda in view of Wesp does not teach or suggest “wherein the resist pattern smoothing material comprises at least one of cationic surfactants and amphoteric surfactants” as recited in amended claim 1; and “wherein the resist pattern smoothing material comprises polyoxyethylene monoalkylether surfactant, wherein the structure of the polyoxyethylene monoalkylether surfactant is a linear chain structure” as recited in amended claim 21.

The Office Action acknowledged that Kanda does not disclose a resist pattern smoothing material comprising a surfactant as recited in claim 1. (Office Action, page 4.) The Office Action cited Wesp for teaching the use of anionic surfactant. However, Wesp does not teach or suggest the use of a cationic or amphoteric surfactant.

Double Patenting

Claims 1, 3, 5-11, 14-19 and 21-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/290,493.

Applicants will address the provisional rejection once all other rejections have been withdrawn.

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For at least the foregoing reasons, claims 1, 3, 5-11, 14-19 and 21-25 are patentable over the cited references. Accordingly, withdrawal of the rejections of claims 1, 3, 5-11, 14-19 and 21-25 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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